

**PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL AUDITORIUM  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
5:00 P.M.  
April 13, 2009**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on April 13, 2009. Those in attendance were Michael Serpe; Donald Hackbarth; Wayne Koessl; Andrea Rode (Alternate #2); Jim Bandura; John Braig; Larry Zarletti; and Judy Juliana (Alternate #1, voting member). Thomas Terwall was excused. Also in attendance were Mike Pollocoff, Village Administrator; Peggy Herrick, Assistant Village Planner and Zoning Administrator; and Tom Shircel, Assistant Village Planner

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CORRESPONDENCE.**

Tom Shircel:

Yes, we did receive and you should have each of you the March 2009 Compass Point Newsletter which updates the Kenosha County's comprehensive planning effort and that's all.

- 4. CONSIDER THE MINUTES OF THE MARCH 9, 2009 PLAN COMMISSION MEETING.**

Judy Juliana:

Move to approve.

John Braig:

Second.

Mike Serpe:

**MOTION MADE BY JUDY JULIANA AND SECONDED BY JOHN BRAIG FOR  
APPROVAL OF THE MARCH 9 MINUTES. ALL THOSE IN FAVOR SAY AYE.**

Voices:

Aye.

Mike Serpe:

Opposed? The ayes have it.

## 5. CITIZEN COMMENTS.

Mike Serpe:

We have one item on the agenda tonight and it is a public hearing. You can hold your comments until that item appears. If there's anything else that you wish to address this Commission on now would be your time to speak. And the only thing we ask is that you give your name and address. Any citizens' comments? Anybody wishing to speak? Anybody wishing to speak? We'll close those.

## 6. NEW BUSINESS

### A. PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT to amend Specific Development Plan #5 entitled "Truesdell Plaza Planned Unit Development" in Chapter 420 Attachment 3 Appendix C of the Village Zoning Ordinance.

Tom Shircel:

Thank you. Mr. Steve Schuler, representing the owner, who is the Ronald and Carol M. Schuler Family Limited Partnership, is requesting an amendment to the Truesdell Plaza Planned Unit Development, which pertains to the overall development of the site as a unified commercial and office development. This property is located at 8531 75th Street and is Tax Parcel Number 91-4-122-092-0176. The property is zoned B-2 (PUD) and C-1, which is Community Business District with a Planned Unit Development Overlay and Resource Conservancy District which is the wetlands on the rear of the property. This proposed amendment to the PUD specifically pertains to the existing primary monument sign.

As some back ground information:

- Zoning text amendment, the original (PUD) - On November 5, 2001, the Village Board approved a zoning text amendment to create a Specific Development Plan #5 entitled Truesdell Plaza Planned Unit Development, and that was Ordinance #01-47) in Chapter 420 Attachment 3 Appendix C of the Village Zoning Ordinance.
- Secondly, the sign permit - On August 26, 2002, the Village issued a sign permit for the existing Truesdell Plaza primary monument sign which was permit #02-08-254, and that's on the slide on the wall. The existing two sided Truesdell Plaza primary monument sign is 16 feet in heigh which includes the base and is 154.9 square feet in area.
- Thirdly, the zoning text amendment - On March 3, 2008 the Village Board adopted Ordinance #08-18 which amended Sections 420-76 T.(5) and (6) pertaining to the maximum area and maximum height of primary monument signs. Pre-Ordinance #08-18, the maximum area and maximum height for primary monument signs was 160 square feet for area and a maximum height of 16 feet. Currently, with the adoption of that ordinance, the maximum area and maximum height for primary monument signs is 130 square feet per face and 10 feet in heigh respectively. Thus, with the adoption of that ordinance, the existing Truesdell Plaza primary monument sign is considered a

nonconforming accessory sign. So with the adoption of that ordinance, this existing sign is now nonconforming because it doesn't meet the area or height requirements.

Regarding this proposed amendment, the property owner is seeking to make the existing primary monument sign more visible in order to attract more business to the gasoline station and convenience store. I'm not sure if any of you have driven past there. I'm sure you have, but it's pretty hard to read some of those names and the gasoline price numbers. For several months the owners have been planning to make modifications to this sign in the form of an electronic reader board and electronic gasoline price display within the parameters of the existing sign area. So they're proposing with an eventual permit to change the portion of the display of this sign but the overall sign area and height will not increase.

Several sign contractors have been given preliminary estimates for the cost of the proposed sign modifications all of which will exceed the zoning ordinance nonconforming accessory sign 50 percent rule, and that rule is as follows. Section 420-78 T. (3) of the ordinance related to nonconforming signs states: At such time as the cumulative cost of modifications to a nonconforming accessory sign like we have here exceeds 50 percent of the cost of replacing the sign, such sign shall become illegal and shall be removed or otherwise cured. Any such cure shall eliminate all nonconformities with or violations of this article.

In the context of this request, it is important to note that the estimated cost of the existing sign is approximately \$9,000. So as noted, the proposed cost of the electronic sign modification will far exceed the 50 percent rule as stated in the section I just read out of the zoning ordinance. This 50 percent rule makes it impossible to make the sign modifications that the petitioner wishes to install within the framework of the existing nonconforming sign.

The current Truesdell Plaza PUD ordinance does not address the primary monument sign in any way. Therefore, Chapter 420 Attachment 3 Appendix C related to the Truesdell Plaza PUD Specific Development Plan, Section 5.c.i. is proposed to be amended as follows by adding:

- (5) Section 420-76 T.(5), pertaining to the maximum area of Primary Monument Signs shall be modified for the Development as follows: Maximum area: 155 square feet per side.
- (6) Section 420-76 T.(6), pertaining to the maximum height of Primary Monument Signs shall be modified for the Development as follows: Maximum height: 16 feet.

The proposed and requested amendment is to place the sign area and height parameters of the existing primary monument sign into the text of the existing Truesdell Plaza PUD in order to make this sign a legal, conforming sign, which would then allow the sign to be modified as proposed. So if you see on the wall there are two or three options on the slides that he's proposing. And I did hand out tonight from the petitioner, it should be in front of you, option three which now sounds like the newly proposed option, I think showing the prices on top of the sign along with a reader board below that, and that's in the handout I just gave you tonight.

So in conclusion, when originally installed seven years ago, this existing sign met all of the sign ordinance requirements, size, height, aesthetics and so on, or the Village would not have approved or issued a sign permit. Additionally, with 75<sup>th</sup> Street being a heavily traveled state trunk highway, the Village staff feels that this sign is not too large or too high given the traffic

volumes on 75<sup>th</sup> Street. The approval of this zoning text amendment would allow the installation of a new electronic display within the parameter of the existing primary monument sign, again, not making the sign any bigger than what it is now, thus making the sign conforming, easier to read, more attractive and creating a safer environment for the vehicular traffic on 75<sup>th</sup> Street. And with that I'll turn it back to the Plan Commission.

Mike Serpe:

This is a matter for public hearing. Anybody wishing to speak? Anybody wishing to speak? We'll close the public hearing and open it up to comments. John?

John Braig:

As I understand it this is a modification to the PUD only so this modification is specific to this site and it wouldn't influence any other signs in any other location?

Tom Shircel:

Correct. And if approved by the Plan Commission and eventually the Village Board, the petitioner will eventually need to come forth for a sign permit application. And also just so you know the petitioner is in the audience tonight just so you know.

Don Hackbarth:

Looking at I don't know what exhibit it is but the existing sign exhibit it says that it's either 10 feet or 11 feet wide and 16 feet high. 16 feet is to the base of this sign. What do we consider the actual sign, the actual face of the sign, or do we include framework and base and all that stuff?

Tom Shircel:

The actual display area of the sign is going to be the 10 feet by whatever the height is minus the base. So it can be 10 by 13 and some odd inches.

Don Hackbarth:

So it is the sign face itself and not the framework or anything else?

Tom Shircel:

That's right.

Mike Serpe:

Anybody else have any comments?

Jim Bandura:

I agree with staff. It really is hard to see the existing sign and the dollar amounts on there. So I'm kind of in favor of having it modified so you can see it. If anybody--

John Braig:

I kind of agree with you. There's a big electric or utility pole that obstructs the sign especially if you're coming from the west.

Larry Zarletti:

And I'm particularly excited about this option that's 189.9 for premium.

Wayne Koessl:

Are you going to make that a motion, Jim?

Jim Bandura:

I will make it a motion.

Wayne Koessl:

I'll second it.

Don Hackbarth:

The only thing I'm looking at here is on the existing I don't know what you call it, the cabinets or whatever, where you put letters on it.

Tom Shircel:

Yes.

Don Hackbarth:

You can't tell the petitioner what to do but today they're coming up with those pretty jazzy, rather than go out and stick letters up a computerized where you've got the message board on it right away. That may be something that he might want to look at, too. We're looking at that for the church right now because it's a pain going out there in winter changing that board.

Tom Shircel:

Right. And that's what the petitioner is proposing. The top third of this sign if you look where it gives the Truesdell Plaza gasoline, food and the prices, that they're proposing to change to an electronic sign. But from what I understand from the owner is they're going to leave--Peggy is going to go back to the original sign. They're going to leave those two lines in the white there

under Merlin as manual changeable copy board. So the top will be electronic and that would stay manual, correct, Steve?

Steve Schuler:

(Inaudible)

Don Hackbarth:

Because it is a lot easier to do it with the electronic thing.

Mike Serpe:

**OKAY, A MOTION BY JIM BANDURA AND SECOND BY WAYNE KOESSL FOR APPROVAL. ON THE QUESTION. ALL THOSE IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Mike Serpe:

Opposed? The ayes have it.

## **7. ADJOURN.**

John Braig:

Move adjournment.

Judy Juliana:

Second.

Mike Serpe:

Motion made and seconded to adjourn. All those in favor say aye.

Voices:

Aye.

**Meeting Adjourned: 5:12 p.m.**